

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

In re: Case No.: 19-20905
The Diocese of Rochester, Chapter 11
Debtor.

The Diocese of Rochester,
Plaintiff,
v. Adversary Proceeding
No.: 19-ap-02021

The Continental Insurance Company, Certain
Underwriters at Lloyd's, London, Certain
London Market Companies, The Dominion
Insurance Company Limited, Stronghold
Insurance Company Limited, CX Reinsurance
Company Limited, Markel International
Insurance Company Limited, Tenecom Limited,
National Surety Corporation, Interstate Fire &
Casualty Company, Colonial Penn Insurance
Company, and HDI Global Specialty SE,
Defendants.

**SUPPLEMENT TO MOTION FOR ENTRY OF AN ORDER APPROVING
THE FORM AND MANNER OF NOTICE OF THE DIOCESE'S
MOTION TO APPROVE PROPOSED INSURANCE SETTLEMENTS AND
SETTING HEARING AND OBJECTION DEADLINE WITH RESPECT THERETO**

The Diocese of Rochester, (the "Diocese"), by and through its undersigned counsel, hereby files this supplement (this "Supplement") to the motion (the "Noticing Procedures Motion")¹ for entry of an order approving the proposed form and manner of notice for the hearing on the Diocese's *Motion for Entry of Orders Pursuant to Sections 363 and 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019 Approving Settlement Agreements and Policy Buy-*

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Noticing Procedures Motion.

backs with Certain Insurers and Granting Related Relief [Bankr. Docket No. 3072, Adv. Pro. Docket No. 266] (the “Settlement Motion”), setting a hearing to consider the Settlement Motion on June 18, 2025, and setting June 2, 2025 as the deadline for parties in interest to file any opposition to the relief requested in the Settlement Motion.

Attached to this Supplement as ***Exhibit 1*** and ***Exhibit 2***, respectively, are redlines of a revised Form of Direct Mail Notice, which is ***Exhibit B*** to the Noticing Procedures Motion, and a revised Form of Joint Publication Notice, which is ***Exhibit C*** to the Noticing Procedures Motion, reflecting certain revisions requested by the Settling Insurers and that are acceptable to the Diocese and the Committee.

WHEREFORE, the Diocese respectfully requests that the Court enter an order, in substantially the form attached to the Noticing Procedures Motion as *Exhibit A*, approving the proposed form and manner of notice of the Settlement Motion (as such forms of notice have been modified by this Supplement), setting a hearing to consider the Settlement Motion, setting an objection deadline for the filing and service of any opposition to the Settlement Motion, and granting such other and further relief as the Court deems just and proper.

Dated: May 2, 2025

BOND, SCHOENECK & KING, PLLC

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Exhibit 1

Exhibit B to the Noticing Procedures Motion
(Form of Direct Mail Notice)

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

In re: Case No.: 19-20905

The Diocese of Rochester, Chapter 11

Debtor.

The Diocese of Rochester,

Plaintiff,

Adversary Proceeding
No.: 19-ap-02021

v.

The Continental Insurance Company, Certain
Underwriters at Lloyd's, London, Certain
London Market Companies, The Dominion
Insurance Company Limited, Stronghold
Insurance Company Limited, CX Reinsurance
Company Limited, Markel International
Insurance Company Limited, Tenecom Limited,
National Surety Corporation, Interstate Fire &
Casualty Company, Colonial Penn Insurance
Company, and HDI Global Specialty SE,

Defendants.

**NOTICE OF MOTION FOR ENTRY OF ORDERS
PURSUANT TO SECTIONS 363 AND 105(A) OF THE BANKRUPTCY
CODE AND BANKRUPTCY RULE 9019 APPROVING SETTLEMENT
AGREEMENTS, ~~AND~~ POLICY BUY-BACKS WITH CERTAIN INSURERS, AND
RELATED INJUNCTIVE RELIEF**

PLEASE TAKE NOTICE, that on April 22, 2025, The Diocese of Rochester (the "Diocese"), by and through its undersigned counsel, filed its *Motion for Entry of Orders Pursuant to Sections 363 and 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019 Approving Settlement Agreements and Policy Buy-backs with Certain Insurers and Granting Related Relief* (the "Settlement Motion") with the United States Bankruptcy Court for the

Western District of New York (the “Court”) [Bankr. Docket No. 3072; Adv. Pro. Docket No. 266].¹

PLEASE TAKE FURTHER NOTICE, that, pursuant to the Settlement Motion, the Diocese is seeking entry of orders approving proposed Settlement Agreements with (a) Interstate Fire & Casualty Company, National Surety Corporation and Fireman’s Fund Insurance Company (collectively, “Interstate”), (b) certain London Market Companies (“LMI”), (c) certain Underwriters at Lloyd’s, London (“Underwriters”), and (d) First State (“First State”, and together with LMI, Underwriters, and Interstate, collectively, the “Settling Insurers”), pursuant to which the Settling Insurers would buy back from the Diocese and certain non-debtor related Catholic entities (collectively, the “DOR Entities”) all or substantially all policies of insurance and certificates issued to, or subscribed on behalf of or allegedly issued to or subscribed on behalf of, ~~insurance issued by the Settling Insurers to~~ the DOR Entities (the “Policies”), along with certain related claims (together with the Policies, the “Subject Property”), in exchange for settlement payments in the aggregate amount of \$71,350,000. The transactions contemplated in the proposed Settlement Agreements are subject to the occurrence of certain conditions precedent, including, without limitation, the confirmation of a chapter 11 plan and the issuance of one or more injunctions enjoining the prosecution of certain claims against the Settling Insurers (as set forth in greater detail immediately below).

PLEASE TAKE FURTHER NOTICE that, in connection with the Settlement Motion, the Diocese is seeking to settle and sell, free and clear of all liens, claims, encumbrances, and other interests, the Subject Property. This “free and clear” sale of the Subject Property contains certain releases, injunctions, and other protective provisions in favor of the Settling Insurers. The sale proposes a Supplemental Injunction that permanently enjoins all Persons who have held or asserted, or may in the future hold or assert, any Claims from taking any action, directly or indirectly, for purposes of asserting, enforcing, or attempting to assert or enforce any Barred Claim against the Settling Insurers, their respective Related Persons or Released Parties, or the property or assets of each (all as defined in the applicable Settlement Agreements). The Diocese is seeking to fully release any Claims against the Settling Insurers or their respective Related Persons or Released Parties arising from or related in any way to the Policies, including all extra-contractual claims. There are additional provisions in the Settlement Agreements – beyond those set forth in the preceding sentences – which should be reviewed to understand completely the Settlement Agreements and their effect on your rights.

PLEASE TAKE FURTHER NOTICE that, a hearing on the Settlement Motion will be held before the Honorable Paul R. Warren, United States Bankruptcy Judge, United States Bankruptcy Court for the Western District of New York, at the United States Courthouse, 100 State Street, Rochester, New York 14614, on _____, **2025 at __:00 a.m.**, which may be continued, as necessary, or as otherwise announced by the Court on the record at such hearing.

PLEASE TAKE FURTHER NOTICE, that responses in opposition to the relief requested in the Settlement Motion, if any, must be filed with the United States Bankruptcy

¹ Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Settlement Motion.

Court Clerk's Office in Rochester, New York and served upon (i) counsel for the Diocese, Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, New York 13202 (Attn: Stephen A. Donato and Charles J. Sullivan); (ii) the Office of the United States Trustee, Federal Office Building, 100 State Street, Rochester, New York 14614 (Attn: Kathleen D. Schmitt); and (iii) counsel for the Official Committee of Unsecured Creditors, Pachulski Stang Ziehl & Jones, LLP, 780 Third Avenue, 34th Floor, New York, New York 10017 (Attn: Ilan D. Scharf), **on or before _____, 2025 at 4:00 p.m.**

PLEASE TAKE FURTHER NOTICE, that a copy of the Settlement Motion may be obtained from the Clerk's Office, United States Bankruptcy Court for the Western District of New York, Rochester Division, via the Court's electronic case management system at <https://ecf.nywb.uscourts.gov>, by visiting <https://case.stretto.com/rochesterdiocese/docket>, by calling 855.347.3773, or by written request to the Diocese's undersigned counsel.

IF YOU HAVE (1) A CLAIM AGAINST THE DIOCESE AS TO WHICH INSURANCE COVERAGE IS OR MAY BE AVAILABLE, (2) AN INTEREST IN ANY OF THE DIOCESE'S INSURANCE POLICIES OR CERTIFICATES, OR (3) ANY CLAIMS AGAINST ANY OF THE SETTLING INSURERS RELATING TO THE FOREGOING, YOUR RIGHTS MAY BE AFFECTED.

Dated: _____, 2025

BOND, SCHOENECK & KING, PLLC

By: /s/

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Attorneys for The Diocese of Rochester

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Exhibit 2

Exhibit C to the Noticing Procedures Motion
(Form of Joint Publication Notice)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

Case No. 19-20905

The Diocese of Rochester,

Chapter 11

Debtor.

**NOTICE OF HEARINGS TO CONSIDER (I) CONFIRMATION OF THE EIGHTH
AMENDED JOINT CHAPTER 11 PLAN OF REORGANIZATION FOR THE
DIOCESE OF ROCHESTER AND (II) MOTION TO APPROVE INSURANCE
SETTLEMENT AGREEMENTS ~~AND~~ POLICY BUY-BACKS, ~~AND RELATED~~
INJUNCTIVE RELIEF**

PLEASE TAKE NOTICE THAT:

1. On March 14, 2025, The Diocese of Rochester ("Diocese") filed the *Disclosure Statement in Support of the Eighth Amended Joint Chapter 11 Plan of Reorganization for The Diocese of Rochester* dated March 14, 2025 (the "Disclosure Statement") in connection with the *Eighth Amended Joint Chapter 11 Plan of Reorganization for The Diocese of Rochester* dated March 14, 2025 proposed by the Diocese and the Official Committee of Unsecured Creditors (together with the Plan Supplement and Exhibits thereto, as they may be amended, the "Joint Plan"). Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Joint Plan.

2. On March 14, 2025, the United States Bankruptcy Court for the Western District of New York (the "Court") entered an order approving the Disclosure Statement (the "Disclosure Statement Order"). The Disclosure Statement Order authorizes the Diocese to solicit votes to accept or reject the Joint Plan pursuant to chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"). **A hearing to consider the confirmation of the Joint Plan ("Confirmation Hearing") is scheduled to commence on July 29, 2025 at 10:00 a.m. (Eastern time) before the Honorable Paul R. Warren, United States Bankruptcy Judge, at Courtroom 6, 100 State Street, Rochester, NY 14614. Remote public access will not be provided by the Court. Judicial Conference policy prohibits audio access to proceedings that may involve testimony.**

3. The Confirmation Hearing may be adjourned or continued from time to time without further notice except as announced in open court or filed on the Court's docket. The Diocese may modify the Joint Plan, if necessary, prior to, during, or as a result of the Confirmation Hearing in accordance with the terms of the Joint Plan without further notice,

unless such notice is required by the Bankruptcy Code, Bankruptcy Rules, or other applicable law.

4. Pursuant to the Disclosure Statement Order, **the deadline for submitting a Ballot to accept or reject the Plan is July 15, 2025 at 5:00 p.m. (Eastern time) (the “Voting Deadline”).** In order for your vote to be counted, your Ballot must be completed and returned in accordance with the instructions provided on the Ballot so that it is received by the Voting Deadline.

5. The Joint Plan provides for the reorganization of the Diocese’s financial affairs and for distributions to creditors from the Diocese’s assets. The Joint Plan also provides for a trust to settle claims and make distributions to holders of Abuse Claims against the Diocese and the Parishes, schools, and Other Catholic Organizations who are Participating Parties. The confirmation and effectiveness of the Joint Plan are subject to material conditions precedent, some of which may not be satisfied.

6. The Joint Plan proposes certain releases and injunctions in furtherance of the Joint Plan. The Joint Plan proposes a Channeling Injunction that permanently channels, among other things, Abuse Claims and Inbound Contribution Claims against the Diocese and the Parishes, Schools and Other Catholic Organizations that comprise the Participating Parties identified in **Exhibit A**, to a Trust established pursuant to section 105(a) of the Bankruptcy Code. The Channeling Injunction also permanently channels to the Trust all Channeled Claims against the Settling Insurers (as that term is defined below). In addition, the Joint Plan proposes a Gatekeeper Injunction that requires all Persons who seek to assert against any Settling Insurer or other Protected Party a Channeled Claim, Barred Claim, or any other Claim arising out of or relating to Abuse to move the Court for certain relief before pursuing such Claim. The Joint Plan further proposes a full release of the Released Parties and their respective property, from among other things, any and all Claims relating to the Diocese, the Participating Parties, the Estate, and the conduct of the Diocese’s and the Participating Parties’ businesses. For the specific terms and conditions of all the releases and injunctions provided for in the Joint Plan, and the precise scope of the Claims to be channeled, please refer to Section 12 of the Joint Plan, available at <https://case.stretto.com/rochesterdiocese>.

7. **Any objections or responses to the Joint Plan must conform to the Federal Rules of Bankruptcy Procedure and be filed with the Bankruptcy Court and served upon the following parties no later than July 15, 2025 at 5:00 p.m. (Eastern Time):** (i) counsel for the Diocese, Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, New York 13202 (Attn: Stephen A. Donato, Charles J. Sullivan, and Grayson T. Walter); (ii) the Office of the United States Trustee, Federal Office Building, 100 State Street, Rochester, New York 14614 (Attn: Kathleen D. Schmitt, Esq.) and the Office of the United States Trustee, Alexander Hamilton Custom House One Bowling Green, Room 534 New York, New York 10004-1408 (Attn: Mark Bruh, Esq.); (iii) counsel for the Official Committee of Unsecured Creditors, Pachulski Stang Ziehl & Jones, LLP, 780 Third Avenue, 34th Floor, New York, New York 10017 (Attn: Ilan D. Scharf and Karen B. Dine); and (iv) those persons who have formally appeared and requested service in this case pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure.

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8. On April __, 2025, The Diocese of Rochester (“Diocese”) filed its *Motion for Entry of Orders Pursuant to Sections 363 and 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019 Approving Settlement Agreements and Policy Buy-backs with Certain Insurers and Granting Related Relief* (the “Settlement Motion”).

9. The Settlement Motion seeks entry orders approving proposed settlement agreements with (a) Interstate Fire & Casualty Company, National Surety Corporation and Fireman’s Fund Insurance Company (collectively, “Interstate”), (b) certain London Market Companies (“LMI”), (c) certain Underwriters at Lloyd’s, London (“Underwriters”), and (d) First State (“First State”, and together with LMI, Underwriters, and Interstate, collectively, the “Settling Insurers”), pursuant to which the Settling Insurers would buy back from the Diocese and certain non-debtor related Catholic entities (collectively, the “DOR Entities”) all or substantially all policies of insurance and certificates issued to, or subscribed on behalf of or allegedly issued to or subscribed on behalf of, issued by the Settling Insurers to the DOR Entities in exchange for settlement payments in the aggregate amount of \$71,350,000. The transactions contemplated in the proposed Settlement Agreements are subject to the occurrence of certain conditions precedent, including, without limitation, the confirmation of a chapter 11 plan and the issuance of one or more injunctions enjoining the prosecution of certain claims against the Settling Insurers (as set forth in greater detail immediately below).

10. In connection with the Settlement Motion, the Diocese is seeking to settle and sell, free and clear of all liens, claims, encumbrances, and other interests, the Subject Property. This “free and clear” sale of the Subject Property contains certain releases, injunctions, and other protective provisions in favor of the Settling Insurers. The sale proposes a Supplemental Injunction that permanently enjoins all Persons who have held or asserted, or may in the future hold or assert, any Claims from taking any action, directly or indirectly, for purposes of asserting, enforcing, or attempting to assert or enforce any Barred Claim against the Settling Insurers, their respective Related Persons or Released Parties, or the property or assets of each (all as defined in the applicable Settlement Agreements). The Diocese is seeking to fully release any Claims against the Settling Insurers or their respective Related Persons or Released Parties arising from or related in any way to the Policies, including all extra-contractual claims. There are additional provisions in the Settlement Agreements – beyond those set forth in the preceding sentences – which should be reviewed to understand completely the Settlement Agreements and their effect on your rights.

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10.11. A hearing on the Settlement Motion will be held before the Honorable Paul R. Warren, United States Bankruptcy Judge, United States Bankruptcy Court for the Western District of New York, at the United States Courthouse, 100 State Street, Rochester, New York 14614, on _____, 2025 at __:00 a.m., which may be continued, as necessary, or as otherwise announced by the Court on the record at such hearing. Responses in opposition to the relief requested in the Settlement Motion, if any, must be filed with the United States Bankruptcy Court Clerk’s Office in Rochester, New York and served upon (i) counsel for the Diocese, Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, New York 13202 (Attn: Stephen A. Donato and Charles J. Sullivan); (ii) the Office of the United States Trustee, Federal Office Building, 100 State Street, Rochester, New York 14614 (Attn: Kathleen D. Schmitt); and (iii) counsel for the Official Committee of Unsecured Creditors, Pachulski Stang Ziehl & Jones,

LLP, 780 Third Avenue, 34th Floor, New York, New York 10017 (Attn: Ilan D. Scharf), **on or before _____, 2025 at 4:00 p.m.**

IF THE JOINT PLAN IS CONFIRMED AND THE EFFECTIVE DATE OCCURS, ALL HOLDERS OF CLAIMS AGAINST THE DIOCESE (INCLUDING, WITHOUT LIMITATION, HOLDERS OF CLAIMS WHO DO NOT VOTE TO ACCEPT OR REJECT THE PLAN OR WHO ARE NOT ENTITLED TO VOTE) WILL BE BOUND BY THE TERMS OF THE CONFIRMED JOINT PLAN AND THE TRANSACTIONS DESCRIBED THEREIN. **IF YOU HOLD CLAIMS AGAINST THE DIOCESE, THE PARISHES, SCHOOLS AND OTHER CATHOLIC ORGANIZATIONS COMPRISING THE PARTICIPATING PARTIES, OR THE SETTLING INSURERS AND CNA, YOUR RIGHTS MAY BE AFFECTED BY THE JOINT PLAN AND THE TRANSACTIONS DESCRIBED THEREIN. IF YOU HAVE (1) A CLAIM AGAINST THE DIOCESE AS TO WHICH INSURANCE COVERAGE IS OR MAY BE AVAILABLE, (2) AN INTEREST IN ANY OF THE DIOCESE'S INSURANCE POLICIES OR CERTIFICATES, OR (3) ANY CLAIMS AGAINST ANY OF THE SETTLING INSURERS RELATING TO THE FOREGOING, YOUR RIGHTS MAY BE AFFECTED BY THE SETTLEMENT MOTION AND SETTLEMENT AGREEMENTS. THEREFORE, YOU SHOULD READ THE DISCLOSURE STATEMENT, JOINT PLAN, SETTLEMENT MOTION AND SETTLEMENT AGREEMENTS, AND RELATED MATERIALS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.**

Copies of the Disclosure Statement, Joint Plan, the Settlement Motion, and other related documents are available at <https://case.stretto.com/rochesterdiocese> or by calling 855.347.3773.

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